



TEXAS HEALTH AND HUMAN SERVICES COMMISSION

KYLE L. JANEK, M.D.
EXECUTIVE COMMISSIONER

July 1, 2014

Via Certified Mail

RE: Direct Care Staff Enhancement Enrollment Limitations for Fiscal Year 2015

Dear Provider:

You are receiving this letter because your facility's enhancement level for fiscal year 2015 (effective from September 1, 2014 – August 31, 2015) will be limited to the level it achieved on its most recently audited 2012 Staffing and Compensation Report or 2012 Cost Report functioning as a Staffing and Compensation Report. As per Title 1 of the Texas Administrative Code (TAC) §355.308(i), a facility will not be enrolled in the enhanced direct care staff rate for fiscal year 2015 at a level higher than it achieved on its most recently audited report functioning as its fiscal year 2012 Staffing and Compensation Report unless it submits an acceptable fiscal year 2015 Request for Revision Report (RFR) as described below.

ENROLLMENT LIMITATION

Based upon your facility's current enrollment level and the level it achieved in fiscal year 2012, it falls into one of the following three Enrollment Limitation Groups. All limited contracts are eligible to submit a 2015 RFR.

1. **Enrollment Limitation Group 1.** Your facility is currently enrolled at a level higher than the level it achieved in fiscal year 2012. For the period beginning September 1, 2014 and ending August 31, 2015, your facility's enhancement level will be reduced to the level it achieved in fiscal year 2012.
2. **Enrollment Limitation Group 2.** Your facility is currently enrolled at the same level that it achieved in fiscal year 2012. Although you were recouped from a higher level on your 2012 report, your achieved level is the same as your current level of participation. As a result, for the period beginning September 1, 2014 and ending August 31, 2015, your facility's level will be held at the level it achieved in fiscal year 2012.
3. **Enrollment Limitation Group 3.** Your facility is currently enrolled at a level lower than the level it achieved in fiscal year 2012 and will be allowed to participate in the open enrollment for fiscal year 2015 but will not be allowed to request a higher

enrollment level than the level it achieved in fiscal year 2012. Enrollment instructions will be mailed shortly following this letter and are available on the website below.

The enclosed “Enrollment Limitation Report” indicates your facility’s Enrollment Limitation Group, its current enrollment level for fiscal year 2014 and the enrollment level it will be limited to for fiscal year 2015. A list of all providers receiving an Enrollment Limitation letter and their applicable Enrollment Limitation Group is posted on the HHSC Rate Analysis Department (RAD) website at:

<http://www.hhsc.state.tx.us/rad/long-term-svcs>

Once you enter the website, click on the link to “Nursing Facility,” then scroll down to the heading “Rate Enhancement – Direct Care Staff Compensation”, click on “View 2015 Rate Enhancement – Direct Care Staff Compensation information”, and then click on “Contracts Receiving 2015 Enrollment Limitations Letter.”

As per 1 TAC §355.308(q), if at any time, you determine that your facility will not be able to meet its staffing requirements, you may request a reduction in your participation level and associated rate add-on and requirements. These requests will be effective on the first day of the month following approval of the request.

REQUESTS FOR REVISION

As per 1 TAC §355.308(i)(1), a facility may request a revision of its enrollment limitation if its fiscal year 2012 Staffing and Compensation Report does not represent its current staffing levels. Such a revision is requested by submitting a fiscal year 2015 RFR. These reports and associated instructions are available on the RAD website listed above.

Once you enter the website, click on the link to “Nursing Facility”, then scroll down to the heading “Rate Enhancement – Direct Care Staff Compensation”, click on “View 2015 Rate Enhancement – Direct Care Staff Compensation information”. Under the heading “2015 Enrollment Limitations Information open the “2015 Request for Revision Report” and the “Instructions for 2015 Request for Revision Report” elements.

The following requirements apply to all RFRs. RFRs that do not meet these requirements will not be considered, and the enrollment limitation indicated on the enclosed “Enrollment Limitation Report” will apply. Only facilities receiving this Enrollment Limitation letter may submit an RFR.

1. Health and Human Services Commission (HHSC), RAD must receive a properly completed fiscal year 2015 RFR by hand delivery, U.S. mail or special mail delivery (faxes and e-mails will not be accepted) no later than July 31, 2014. A fiscal year 2015 RFR that is not received by the stated deadline will not be accepted, and the

- enrollment limitation specified on the enclosed “Enrollment Limitation Report” will apply.
2. The fiscal year 2015 RFR Report Certification page must be signed by an individual legally responsible for the conduct of the contract or legally authorized to bind the contract, such as the sole proprietor, a partner, a corporate officer, an association officer, a government official, a limited liability company member, a person authorized by the applicable Texas Department of Aging and Disability Services (DADS) Form 2031 for the interested party on file at the time of the request, or a legal representative for the interested party. An RFR that is not signed by an individual legally responsible for the conduct of the interested party will not be accepted, and the enrollment limitation specified on the enclosed “Enrollment Limitation Report” will apply.
 3. The fiscal year 2015 RFR must be completed by an individual who has successfully completed a separate general and program-specific HHSC-sponsored mandatory training for the 2013 or later Cost Report either by classroom-based or online training. If valid completion certificates for both the general and program-specific training for the appropriate program and year are not attached, the report will not be processed and the enrollment limitation specified on the enclosed Enrollment Limitation Report will apply.
 4. The fiscal year 2015 RFR must show that, for the period beginning September 1, 2013 and ending April 30, 2014, your facility met a higher staffing level with “real” or “purchased” Licensed Vocational Nurse (LVN) equivalent minutes as described in 1 TAC §355.308(m) than the enclosed “Enrollment Limitation Report” indicates. In such cases, your contract’s enrollment limitation will be established at the level supported by its 2015 RFR. It is your responsibility to render a properly completed 2015 RFR form at the time of your RFR. Requests that do not include a properly completed 2015 RFR form beginning September 1, 2013 and ending April 30, 2014 and requests that fail to support a staffing level different than that indicated on the enclosed “Enrollment Limitation Report” will result in a rejection of your request, and the enrollment limitation specified in the enclosed “Enrollment Limitation Report” will apply.
 5. If your facility’s fiscal year 2014 Cost Report (or other report functioning as an Staffing and Compensation Report for the time period included in your 2015 RFR) shows that your facility staffed below the level it presented in its 2015 RFR, HHSC will immediately recoup all enhancement payments associated with the RFR, and your facility will be limited to the level supported by your fiscal year 2014 report for the remainder of the rate year.

SUCCESSOR LIABILITY AGREEMENTS

If your facility has undergone a change of ownership where DADS has approved a successor-liability-agreement (SLA) that transfers responsibility from the former owner to the new owner, your completed fiscal year 2015 RFR form may include units of service, staff hours and

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expenses from both the contract in effect prior to the initiation of the SLA and the contract in effect after the initiation of the SLA.

Information regarding a free webinar is available by clicking on “View Rate Enhancement Enrollment Training information” near the bottom of the HHSC/Rate Analysis/Nursing Facility webpage above under “Training Information.” If you have any questions concerning this letter, please contact me at guerin.heckman@hhsc.state.tx.us.

Sincerely,

Guerin Heckman, Rate Analyst
HHSC Rate Analysis for Long-Term Services and Supports
(512) 707-6067; FAX: (512) 730-7475

Enclosure:
Enrollment Limitation Report